

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHAEL RAVALLLO,

Plaintiff,

-against-

08 Civ. 8207 (CM)(KNF)

REFRIGERA TED HOLDINGS, INC.,

Defendant.
_____x

ORDER DENYING MOTION FOR RECONSIDERATION

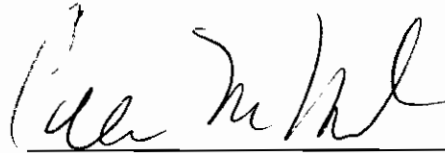
McMahon, J.:

Plaintiff's motion for reconsideration of the order and judgment dismissing the complaint is DENIED. Plaintiff does nothing more than make once again (if more fulsomely) an argument the court found unpersuasive in the original papers in opposition to the defendant's motion to dismiss. Thus, the motion violates Local Civil Rule 6.3.

The fact that Winrow serves as Sellers' Representative as an "administrative convenience" does not negate his personal interest in the subject matter of the power, or disclaim any purpose to give Winrow a power to secure a duty (or a power coupled with an interest). Rather, as defendant points out, the "administrative convenience" provision, read in its entirety, shields Winrow from personal liability for the obligations of the other Sellers (including plaintiff).

The motion for reconsideration is denied.

Dated: March 16, 2009



U.S.D.J.

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